
RULES

MADE BY THE GOVERNOR IN COUNCIL UNDER S. 3

G.N.s 105 of
1940,
379 of 1945.

VICTORIA NYANZA FISH PROTECTION

1. These rules may be cited as the Victoria Nyanza Fish Protection Rules, and shall apply to Victoria Nyanza within the boundaries of the Colony and inland within a distance of five miles from the shore thereof. Short title.
2. In these rules, unless the context otherwise requires— Interpretation.
“boat” means any vessel of any description except native canoes;
“net” means a net used or intended to be used for the purpose of capturing or attempting to capture fish.
3. (1) No boat shall be used for fishing unless the owner thereof shall have registered such boat with the fishery inspector, who shall cause a relative entry of such registration to be made in the register of registered fishing boats. Registration of boats.
- (2) At the time of such registration the fishery inspector shall allot in addition to the letters F.K. a number or numbers and a letter to the boat and shall issue to the owner of such boat a certificate of registration in the form in the First Schedule to these rules.
- (3) A fee of five shillings shall be paid for such certificate of registration.

(4) Immediately after such registration the owner of the registered boat shall cause the letters F.K. and the number or numbers and letter allotted under the provisions of sub-rule (2) of this rule to be clearly painted in black on a white background on both sides of the bow of his boat. Each letter and figure shall be at least nine inches in height and one and a half inches in breadth and shall be maintained in a legible condition, and shall not be effaced, covered or concealed in any way whatsoever.

(5) The certificate of registration of any boat registered under this rule shall be carried on such boat at all times.

(6) The registration of any boat under this section shall be automatically cancelled on the change of ownership of such boat.

(7) The master shall, if called upon, produce his certificate of registration to the Commander of any ship belonging to the Government of the Colony or to any administrative officer or to the fishery inspector.

(8) In all proceedings against the owner or master or any person belonging to any registered boat for an offence against these rules such register shall be conclusive evidence that the person registered at any date as owner of such boat was at that date the owner thereof.

Licensing of
fishermen.

4. (1) No person shall capture or attempt to capture fish by means of a net unless such person shall have licensed himself as a fisherman with the fishery inspector who shall cause a relative entry to be made in the register of licensed fishermen.

(2) The fishery inspector shall issue to every fisherman licensed under the provisions of this rule a licence in the form in the Second Schedule to these rules.

(3) A fee of three shillings shall be charged for each such licence.

(4) Every licensed fisherman shall be in possession of his licence and the original of the entry issued under sub-rule (3) of rule 8 of these rules, when capturing or attempting to capture fish by means of a net.

Specification
of tilapia
net.

5. (1) Save as is provided in rule 7 of these rules, no person shall capture or attempt to capture any fish by means of a net other than a tilapia net.

(2) For the purposes of these rules, a tilapia net shall mean a net—

(a) composed of flax thread which is not thicker than that known as number 30/3 ply;

(b) so constructed that the strands of the thread are not liable to come apart in use;

(c) the mesh of which is not less than five inches, which shall mean a mesh when wet of not less dimensions than two and a half inches in extension from knot to knot (the measurement to be made on each side of the square) or ten inches measured round each mesh.

(3) For the purposes of these rules a tilapia net measuring up to one hundred yards in length stretched and up to thirty meshes in breadth shall be deemed to be one tilapia net.

6. (1) No person shall deal in nets unless he shall have registered himself as a net dealer with the fishery inspector who shall have discretion to refuse to register any applicant provided that any applicant who has been refused registration may appeal against such refusal to the district commissioner of the district in which he resides, who shall have power to direct that such applicant shall be registered.

Registration of
net dealers.

(2) The fishery inspector shall issue to each such registered net dealer a certificate of registration in the form in the Third Schedule to these rules.

(3) A fee of ten shillings shall be paid for each such certificate of registration.

(4) Every registered net dealer shall keep a register in the form in the Fourth Schedule to these rules and shall enter therein the particulars required by such Schedule, immediately on the completion of any transaction.

7. (1) The fishery inspector may in his absolute discretion issue written permission to any licensed fisherman to use a net other than a tilapia net as described in sub-rule (2) of rule 5 of these rules for the purpose of capturing or attempting to capture fish, and such permission shall be subject to such conditions and restrictions as may be stated in such written permission, which shall be in the form of the Sixth Schedule to these rules.

Special net
permits.

(2) A fee of ten shillings shall be paid for such written permission.

(3) Such written permission shall entitle the holder to act in accordance with the permission granted therein only so long as he shall carry such written permission on his person.

8. (1) No net shall be sold by a registered net dealer except to a licensed fisherman and unless such fisherman produces to the registered net dealer his licence issued under the provisions of sub-rule (2) of rule 4 of these rules.

Sale of nets.

(2) No net other than a tilapia net shall be sold by a registered dealer except to a licensed fisherman who has been granted and who produces written permission granted in

accordance with the provisions of sub-rule (1) of rule 7 of these rules, and a registered net dealer shall sell to such licensed fisherman only such net or nets as may be specified in such written permission.

(3) At the time of the sale of any net the registered net dealer shall cause an entry of such sale to be made in a register in the form of the Fifth Schedule to these rules and shall, at the same time, issue to the purchaser the original of such entry and retain a copy thereof himself.

(4) A fee of one shilling shall be paid by the registered net dealer to the fishery inspector in respect of each tilapia net sold.

(5) No person shall possess a net unless such net has been purchased from a registered net dealer and unless a form as laid down in the Fifth Schedule to these rules is in possession of such person in respect of such net:

Provided that the fishery inspector may exempt, in writing, any person or class of persons from all, or any, of the provisions of this rule.

Expiry of
licences, etc.

9. Every licence, certificate of registration and written permission issued under rule 3, 4, 6, 7 or 13 of these rules shall expire on the thirty-first day of December next following the date on which it was issued:

Provided that a magistrate may on the conviction of any person for a breach of these rules order that any licence, certificate of registration or written permission held by such person shall be cancelled.

Protection of
immature tilapia.

10. It shall be an offence for any person to take, possess, sell, barter or exchange a tilapia fish less than eleven inches by measurement between verticals from the end of the snout to the end of the tail fin:

Provided that such person shall not be deemed to have committed an offence if immediately on such taking he returns such fish to the water from which it was taken with as little delay and damage as possible.

Presumption.

11. Any person being in a boat when such boat is being used in connexion with any fishing operations, including the transport of fish, shall be presumed, unless the contrary be proved by him, to be catching fish by means of a net.

Obstruction to
navigation.

12. (1) No nets or fishing stakes for whatever purpose connected with the catching of fish shall be placed in any channel used by boats other than fishing boats or canoes.

(2) Fishing grounds in which nets are staked or set shall be buoyed by the owner of such nets or stakes in such a manner as to be visible on a clear day at a distance of not less than three hundred feet from a height of six feet above the water level.

13. (1) Any registered fisherman may apply to have registered with the fishery inspector a private mark or marks which he shall thereafter be entitled to fix, cut, burn or otherwise apply to nets, corks, lines, buoys or other gear used by him for the purpose of catching fish.

Private marks.

(2) The fishery inspector, on being satisfied that such mark or marks are suitable for the purpose and sufficiently unlike any mark or marks previously registered as to enable them to be easily distinguished, may grant a certificate of such registration on payment of a fee of ten shillings.

(3) An adequate description of each such registered mark or marks shall be published in the Gazette prior to such registration becoming effective. A copy of such description shall be publicly displayed in such manner as the fishery inspector may deem fit during such time as the registration shall remain effective.

(4) A fee of two shillings shall be payable at the commencement of each year to the fishery inspector for a renewal of such certificate of registration, and unless such fee shall have been paid on or before the thirty-first day of January in any year, the registration shall be deemed to have lapsed.

(5) After the lapse of any such registration the mark or marks so registered may be issued to the original grantee or to any other person applying for registration of private marks at the discretion of the fishery inspector.

14. Any nets, corks, lines, buoys or other gear used for the purpose of capturing fish marked with any of the aforementioned private marks shall be presumed to be the property of the duly registered owner of the mark or marks unless the contrary be proved.

Presumption in connexion with private marks.

15. In the event of any licensee or holder of a certificate of registration or of written permission losing his licence, certificate of registration, or written permission he may, on application, be issued by the fishery inspector with a duplicate licence, certificate of registration or written permission as the case may be, on payment of the following fees:—

Lost licences, etc.

	<i>Sh. cts.</i>
(a) For a duplicate certificate of registration of a fishing boat	1 00
(b) For a duplicate fisherman's licence	0 50
(c) For a duplicate certificate of registration of a net dealer	2 00
(d) For a duplicate certificate of registration of a private mark	2 00
(e) For a duplicate written permission under rule 7 (1)	2 00

16. (1) The Provincial Commissioner may issue orders prohibiting the use of tilapia nets in any specified area for such period or at such time as he may see fit.

Orders by Provincial Commissioner.

(2) The Provincial Commissioner may issue orders prohibiting the use of any method of taking fish or the taking of any species of fish in any specified area for such period or at such time as he may see fit.

Rule 3.

FIRST SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
CERTIFICATE OF REGISTRATION OF BOAT

The boat of (a)
of (b)
has been registered and allotted the number of: F.K.(c)
for the purpose of fishing in the area to which the Victoria Nyanza Fish Protection Rules apply.

2. This Certificate of Registration expires on the 31st December,

Fee paid: Five shillings.
Date of issue

.....
Fishery Inspector

(a) Here insert name of owner of boat.
(b) Here insert address of owner of boat.
(c) Here insert numbers, letters and name if any allotted to boat.

Rule 4.

SECOND SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
LICENSING OF FISHERMEN

(a)
of (b)
is hereby licensed to catch fish in the area to which the Victoria Nyanza Fish Protection Rules apply subject to the provisions of the Fish Protection Ordinance and all rules and orders made thereunder.

2. This Licence expires on the 31st December,

Fee paid: Three shillings.
Date of issue:

.....
Fishery Inspector

(a) Here insert name of fisherman.
(b) Here insert address of fisherman.

Rule 6.

THIRD SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
CERTIFICATE OF REGISTRATION OF NET DEALER

(a)
of (b)
has been registered as a net dealer for the sale of nets at (c)

2. This Licence expires on the 31st December,

Fee paid: Ten shillings.
Date of issue:

.....
Fishery Inspector

(a) Here insert name of net dealer.
(b) Here insert address of net dealer.
(c) Here insert description of premises where nets sold.

FOURTH SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
TILAPIA NET REGISTER OF NET DEALER

Rule 6.

Date	Number of nets in stock	Number of nets received	Date nets received	From whom nets received	Number of nets issued out of stock	Date nets issued out of stock	Particulars of nature of transaction of nets issued out of stock	Balance in hand	Signature of registered net dealer or his servant making entry

The relative entry must be made in this register immediately on the completion of any transaction.

FIFTH SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
REGISTER OF SALE OF NETS TO LICENSED FISHERMEN

Rule 8.

Date of sale	Number of nets sold	Name and address of licensed fisherman	Licensed fisherman's licence number	Description of nets sold	Signature of registered net dealer or his servant making entry

This form must be used on the sale of a net of any description.

Rule 7 (1)

SIXTH SCHEDULE
THE VICTORIA NYANZA FISH PROTECTION RULES
NET PERMIT—ISSUED UNDER RULE 7 (1)

(a)
of (b)
is hereby permitted to use a net of the following description (c)
..... subject to the following conditions:—
.....

The acceptance of this permit shall be held to constitute an acceptance of these conditions by the holder and any breach of these conditions shall constitute a breach of the Fish Protection Ordinance and the Victoria Nyanza Fish Protection Rules.

Fee paid: Ten shillings.

Date of issue:

Date of expiry: 31st December,

.....
Fishery Inspector

- (a) Here insert name of holder.
- (b) Here insert address of holder.
- (c) Here insert specification of net permitted.

ORDER

BY THE PROVINCIAL COMMISSIONER, NYANZA PROVINCE, UNDER
R. 16 OF THE VICTORIA NYANZA FISH PROTECTION RULES

METHODS OF CATCHING FISH

The Provincial Commissioner, Nyanza Province, has prohibited until further notice the use of the following methods of catching fish within the area to which the Victoria Nyanza Fish Protection Rules have been applied—

- (a) the method of using a Seine net, whether singly or in conjunction with other nets, at a distance of more than six hundred feet from the water's edge;
- (b) the method of using a combination or fleet of Seine nets for the purpose of catching fish in any part of the lake to which the said rules have been applied.

FURTHER RULES

MADE BY THE GOVERNOR IN COUNCIL UNDER S. 3

MOVEMENT OF BLACK BASS

1. These rules may be cited as the Fish Protection (Movement of Black Bass) Rules, and shall apply throughout the Colony.

2. No person shall, except with the permission in writing of the Game Warden first had and obtained, place in any body of water any live fish of the species Large Mouth Black Bass (*Micropterus salmoides*) unless such fish has been captured in and removed from such body of water.

G.N. 306 of
1940.

G.N. 411 of
1940.

MOVEMENT OF BLUEGILLS

1. These rules may be cited as the Fish Protection (Movement of Bluegills) Rules, and shall apply throughout the Colony. G.N. 13 of 1944.

2. No person shall, except with the permission in writing of the Game Warden first had and obtained, place in any body of water any live fish of the species Bluegill (*Helioperca macrochira*) unless such fish has been captured in and removed from such body of water.

FISH MARKETS

1. These rules may be cited as the Fish Market Rules, and shall apply to the districts specified in the first column of the Schedule to these rules. G.N. 148 of 1944.

2. No person shall purchase any fish in any district to which these rules apply for the purpose of consumption outside such district except at the place or places specified in the second column of the Schedule to these rules as markets for the sale of fish in such district.

SCHEDULE

DISTRICT <i>First Column</i>	MARKET <i>Second Column</i>
Tana River	Kipini Fish Market
Malindi, Sub-District of Kilifi	Malindi Fish Market
Kwale	Shimoni Fish Market Tiwi Fish Market Msambweni Fish Market

CHAPTER 218

CROWN FISHERIES

(No subsidiary legislation)